

**REMARKS**

The Office Action dated August 9, 2005, has been received and carefully considered. In this response, claims 1, 11, 13, and 21, and Figures 1 and 2 have been amended. Entry of the amendments to the claims 1, 11, 13, and 21, and Figures 1 and 2 is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner indicates that the election/restriction requirement as set forth in the Office Action dated June 15, 2005, has been made final. However, it appears that the Examiner has misinterpreted the Applicants grounds for traversal. That is, the Examiner indicates that Applicants traversed the election/restriction requirement on the grounds that the inventions are not distinct. However, as clearly set forth in the response to the election/restriction requirement filed July 14, 2005, Applicants traverse the election/restriction requirement on the grounds that the inventions are not independent.

Specifically, under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions

are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are distinct if two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed.

On page 2 of the Office Action dated June 15, 2005, the Examiner attempts to explain how claims 1-12 are distinct from claims 13-22. However, the Examiner fails to explain how claims 1-12 are independent from claims 13-22. That is, both independent claims 1 and 13 are directed to a device for recognizing a condition of a belt buckle comprising a sensor. Thus, claims 1 and 13 are related and are not independent from each other. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

## II. THE OBJECTION TO DRAWINGS

On pages 2-3 of the Office Action, the drawings were objected to under 37 CFR § 1.83(a) as failing to show every feature of the claimed invention.

The Examiner asserts that the drawings fail to show the differentiating circuit of claim 6, the microcontroller of claim

7, the voltage transmission circuit of claim 9, and the switching controller of claim 10.

Applicants respectfully submit that the voltage transmission circuit of claim 9 is shown in Figure 6 as coils E and S. Applicants also respectfully submit that the switching controller of claim 10 is shown in Figure 6 as the controller A. Applicants further respectfully submit that the differentiating circuit of claim 6 and the microcontroller of claim 7 are inherently present in the figures. This is similar to the position that the Examiner takes with respect to what is taught by Steffens, Jr. (U.S. Patent No. 6,025,783).

The Examiner also asserts that Figures 1 and 2 should be designated as prior art since they only show that which is old.

Applicants have amended Figures 1 and 2 to include a prior art designation. A replacement drawing sheet is submitted herewith.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the drawings be withdrawn.

### III. THE OBJECTION TO SPECIFICATION

On pages 3-4 of the Office Action, the specification was objected to under 37 CFR § 1.75(d)(1) as failing to provide proper antecedent basis for the claimed invention.

The Examiner asserts that the specification fails to describe the voltage transmission circuit of claim 9.

As discussed above, the claimed voltage transmission circuit is shown in Figure 6 as coils E and S, and is described as such in the specification.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the specification be withdrawn.

IV. THE ANTICIPATION REJECTION OF CLAIMS 1, 2, 4-7, 9, AND 10

On pages 4-5 of the Office Action, claims 1, 2, 4-7, 9, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Steffens, Jr. (U.S. Patent No. 6,025,783). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the

claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id..

Regarding claim 1, the Examiner asserts that Steffens, Jr. teaches a device for recognizing a locked condition of a seat belt buckle comprising a sensor that directly interrogates the condition of the seat belt buckle by a change in inductance.

However, it is respectfully submitted that Steffens, Jr. fails to teach a device for recognizing a locked condition of a seat belt buckle comprising a sensor that directly interrogates the condition of the seat belt buckle by realizing a change in inductance based upon a position of an inductance-altering activating component without using a magnet, as presently claimed. Specifically, Steffens, Jr. discloses a switch mechanism that uses a Hall effect device having a pair of magnets. Also, Steffens, Jr. fails to disclose, or even suggest, a sensor that directly interrogates the condition of a seat belt buckle by realizing a change in inductance based upon a position of an inductance-altering activating component, as presently claimed. Accordingly, it is respectfully submitted

that claim 1 should be allowable over Steffens, Jr..

Claims 2, 4-7, 9, and 10 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2, 4-7, 9, and 10 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 2, 4-7, 9, and 10 be withdrawn.

V. THE OBVIOUSNESS REJECTION OF CLAIM 3

On pages 5-6 of the Office Action, claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Steffens, Jr. (U.S. Patent No. 6,025,783) in view of Teodorescu (U.S. Patent No. 5,986,549). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Also, as stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, as stated in MPEP § 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). That is, "[a]ll words in a claim must be considered in judging the patentability

of that claim against the prior art." In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Additionally, as stated in MPEP § 2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Finally, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 3 is dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claim 3 should also be allowable at least by virtue of its dependency on independent claim 1. Moreover, claim 3 recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 3 be withdrawn.



VI. THE OBVIOUSNESS REJECTION OF CLAIM 8

On page 6 of the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Steffens, Jr. (U.S. Patent No. 6,025,783) in view of Teodorescu (U.S. Patent No. 5,986,549) and further in view of Todd (U.S. Patent No. 5,907,892). This rejection is hereby respectfully traversed.

Claim 8 is dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claim 8 should also be allowable at least by virtue of its dependency on independent claim 1. Moreover, claim 8 recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 8 be withdrawn.

VII. THE OBVIOUSNESS REJECTION OF CLAIM 11

On pages 6-7 of the Office Action, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd (U.S. Patent No. 5,907,892) in view of Steffens, Jr. (U.S. Patent No. 6,025,783). This rejection is hereby respectfully traversed with amendment.

The Examiner asserts that claim 11 would have been obvious in view of the seat buckle of Todd and the sensor of Steffens, Jr..

However, it is respectfully submitted that Todd and Steffens, Jr., either alone or in combination, fail to teach a seat belt buckle comprising: a seat belt buckle carrier; a seat belt buckle tongue; an ejector; a locking component; and a device for recognizing a locked condition of the seat belt buckle comprising a sensor that directly interrogates the condition of the seat belt buckle by realizing a change in inductance based upon a position of an inductance-altering activating component without using a magnet, as presently claimed. Specifically, Todd fails to disclose, or even suggest, a means for recognizing the locked condition of a seat belt buckle. Also, Steffens, Jr. discloses a switch mechanism that uses a Hall effect device having a pair of magnets. Further, Steffens, Jr. fails to disclose, or even suggest, a sensor that directly interrogates the condition of a seat belt buckle by realizing a change in inductance based upon a position of an inductance-altering activating component, as presently claimed. Accordingly, it is respectfully submitted that claim 1 should be allowable over Todd and Steffens, Jr..

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 11 be withdrawn.

VIII. THE OBVIOUSNESS REJECTION OF CLAIM 12

On page 7 of the Office Action, claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd (U.S. Patent No. 5,907,892) in view of Steffens, Jr. (U.S. Patent No. 6,025,783) and further in view of Husby et al. (U.S. Patent No. 5,960,523). This rejection is hereby respectfully traversed.

Claim 12 is dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claim 12 should also be allowable at least by virtue of its dependency on independent claim 1. Moreover, claim 12 recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claim 12 be withdrawn.

IX. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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